

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: PAMELA PAYTON MCNEIL

CHAPTER 13

DEBTOR

CASE NO. 18-12976-JDW

MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION

COMES NOW, Pamela McNeil (“Debtor”), pursuant to 11 U.S.C. § 1329, and by and through her attorney of record, and states as follows:

1. That Debtor’s Chapter 13 Plan was confirmed on December 10, 2018 [Dkt. #23], providing for a plan period of 60 months with a 100% distribution to general unsecured creditors.
2. Sometime after confirmation, the Debtor’s 2017 tax return was audited by the Internal Revenue Service. Said audit resulted in the Debtor owing approximately \$2,763.00 in taxes and penalties for that year. Debtor would submit this obligation deserves priority treatment under §4.4 of the confirmed plan.
3. Therefore, the Debtor would request modification of her Chapter 13 plan to pay the obligation owed to the Internal Revenue Service under §4.4.
4. Debtor requests the distribution to unsecured creditors remain the same.
5. All creditors listed on the mailing matrix shall have a minimum of 30 days from the date of filing of the motion to file a response or objection with the Court.

WHEREFORE, PREMISES CONSIDERED, Debtor moves this Honorable Court to enter an order directing the Chapter 13 Plan be modified to include the obligation owed to the Internal Revenue Service as a Priority debt under §4.4 of the Chapter 13 Plan.

RESPECTFULLY SUBMITTED, this the 3rd Day of July, 2019

/s/ Robert Lomenick
KAREN B. SCHNELLER, MSB#6558
ROBERT H. LOMENICK, MSB #104186
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NOTICE OF MOTION

PLEASE TAKE NOTICE that all responses are due on or before thirty (30) days from the date of this notice, to consider and act upon the Motion for Modification of Chapter 13 Plan After Confirmation.

Should any party receiving this notice respond or object to said motion such response or objection is required to be filed with the Clerk of this Court, U.S. Bankruptcy Court, Northern District of Mississippi, 703 Highway 145 North, Aberdeen, Mississippi 39730, and served on the Attorney for the Movant on or before said objection due date. If any objection or response is filed, the Court will notify the parties of a date, time and place for the hearing thereon, otherwise, the Court may consider said motion immediately after the objection or response due date.

RESPECTFULLY SUBMITTED, this the 3rd Day of July, 2019

/s/Robert Lomenick
KAREN B. SCHNELLER, MSB#6558
ROBERT H. LOMENICK, MSB #104186
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126 North Spring Street
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rlomenick@gmail.com

CERTIFICATE OF SERVICE

I, Karen B. Schneller/Robert H. Lomenick, Attorney for Debtor, do hereby certify that I have this day mailed postage prepaid and/or via electronic delivery, a true and correct copy of the above and foregoing Motion To Modify Chapter 13 Plan After Confirmation and Notice of Motion to:

**Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101**

**Office of the U.S. Attorney
Internal Revenue Service
900 Jefferson Ave
Oxford, MS 38655**

**Civil Process Clerk
United States Attorney's Office
555 4th St., NW
Washington, DC 20530**

Locke D. Barkley, via ECF

Office of the U. S. Trustee, via ECF

all creditors on the attached matrix

This the 3rd Day of July, 2019

/s/Robert Lomenick
KAREN B. SCHNELLER
ROBERT H. LOMENICK